

**Memorandum**

To: Bill Gage
From: F. Paul Richards
Date: 02/06/2004
Subject: Follow-up re EOEA # 13165

Enclosed is a follow-up letter from Natural Heritage to the Groveland Conservation Commission based on a detailed plan prepared by Mass Electric and Hyla Ecological Services. From our standpoint, this was a very significant and favorable finding consistent with our hard work to find a solution to species protection and power line construction matters.

This letter is consistent with the MEPA Certificate's mandate to continue working with Natural Heritage.

Thank you for your help on this important public benefit project. This should close out correspondence between the project and your office.

F. Paul Richards

**MassWildlife**

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

January 26, 2004

Groveland Conservation Commission
Town Hall
183 Main Street
Groveland, MA 01834

RE: Applicant: Paul Richards, MA Electric Company
 Project Location: King Street Substation and existing electric transmission ROW to
 Georgetown town line
 Project Description: Improvements to an existing substation and construction of a new
 23kV electric line within an established R.O.W.
 NHESP File No. 03-12719

Dear Commissioners:

As you are aware, the Natural Heritage & Endangered Species Program ("NHESP") of the MA Division of Fisheries & Wildlife has reviewed a Notice of Intent ("NOI") with project plans (revised 12/2/03) for the project listed above. The NHESP has also reviewed a Rare Species Habitat Assessment (dated 12/30/03), prepared by the applicant's rare species consultant. That document provides a detailed analysis of potential impacts of the proposed project on the state-listed rare species associated with Estimated Habitat WH 7 and Priority Habitat 17 (*MA Natural Heritage Atlas, 11th Edition*).

In a letter to the Groveland Conservation Commission (dated 12/31/03), the NHESP requested that the applicant provide additional information about how the project will be implemented to avoid impacts to state-protected rare species and their habitats. In response to this request, the NHESP received a letter from F. Paul Richards of Massachusetts Electric (dated 1/21/04), as well as a "Rare Species Protection Plan" (undated), and revised site plans (dated 1/19/04). The rare species Habitat Assessment (dated 12/30/03) identified two areas in Groveland where the proposed project has the potential to impact wetland habitat of the Four-toed Salamander (*Hemidactylum scutatum*), Blue-spotted Salamander (*Ambystoma laterale*), and Spotted Turtle (*Clemmys guttata*) (Rare Species Protection Plan, Figures 3-4). Based upon this report, proposed pole locations and access pathway locations have been modified to minimize direct impacts to salamander nesting and breeding microhabitats (see revised site plans, dated 1/19/04). In addition, the applicant has developed construction procedures to insure that the planned protective measures will be implemented when the work is carried out. Protective measures have similarly been developed to avoid impacts to state-listed turtles and potential turtle nesting areas (Rare Species Protection Plan).

Based upon a review of the information that has been provided, as well as the information contained in our database, it is the opinion of the NHESP that the proposed project will not adversely affect the actual wetland habitat of state-protected rare species provided that the conditions listed below are met during the project implementation and post-construction periods. Please note that, in addition to meeting the permitting standards for rare species under the Wetlands Protection Act Regulations (310 CMR 10.59), these conditions

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Division of Fisheries and Wildlife

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are designed to avoid potential "take" of state-protected rare species, as regulated under the Massachusetts Endangered Species Act (321 CMR 10.00).

Conditions to avoid impacts to rare species and their habitats

Wetland rare species areas 1 and 2 (Rare Species Protection Plan, Figs. 3-4)

1. Poles relocated as shown on revised site plans and Rare Species Protection Plan (Fig. 3).
2. Work in these areas to be completed during the period November 15 - March 15.
3. If work in these areas is not completed during this time period, then the applicant will consult the NHESP before proceeding. The NHESP may require additional protective measures to be implemented. Work in these areas will not be resumed without the written approval of the NHESP.
4. All potential Four-toed Salamander nesting hummocks to be flagged by qualified wildlife biologist prior to initiating work.
5. 8-10' wide access path to be sited to avoid damage to flagged potential Four-toed Salamander nesting Habitat.
6. Proposed pathway to be lined with snow fencing to contain all foot and vehicle traffic.
7. Pole installation to be overseen by qualified wildlife biologist.
8. Pole installation to be completed in one day or less.
9. Snow-fencing to be removed within one business day of pole installation.
10. If electric line is to be pulled through potential Four-toed Salamander nesting wetlands during the period April 15 -- June 31, then a qualified wildlife biologist will walk in front of line to avoid direct impacts to nesting microhabitats.

Potential Turtle Nesting Areas (Rare Species Protection Plan, Figure 2)

1. Snow fencing to be installed along edges of path to confine vehicular and foot traffic to as narrow of a corridor as possible. Gaps to be left in snow fencing to allow for movement of turtles and other wildlife. Snow fencing to be removed within one business day of when vehicular traffic associated with the proposed project has ceased.
2. Work to be completed during the period October 15 - May 31.
3. If work is not completed by June 1, then the turtle protection measures listed below will be implemented for any portions of the site for which work has not yet been completed.

General rare turtle protection measures for work to be completed June 1 - October 15

1. Between June 1 and July 15, qualified wildlife biologists will conduct daily searches at appropriate times of day to locate and flag Spotted Turtle, Blanding's Turtle, and other turtle nest sites along the existing path within the ROW, and in the vicinity of any future pole locations. Nest sites will be fenced with snow fencing.
2. Vehicular traffic and pole installation equipment will be re-routed to avoid impacting turtle nests.
3. If a nest is located in an area that cannot be avoided, the nest will be transplanted to a nearby area of suitable habitat.
4. For work to be conducted from June 1 - July 15, qualified wildlife biologist to conduct morning survey of that day's work area and access paths, and remove turtles, as necessary.

General Conditions

1. All remaining fencing will be removed from the site within one week of work completion.
2. Site will be restored to pre-construction conditions to the greatest extent practical. Road ruts will be smoothed over, and construction debris will be removed. Clean-up activities within the potential rare species habitat areas identified in the Rare Species Protection Plan will be overseen by a qualified wildlife consultant.

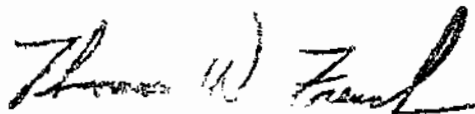
In addition to the above-listed conditions, the applicant has agreed to provide project mitigation to consist of rare species surveys, as described in the Rare Species Protection Plan (Page 2). This inventory work will

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advance our understanding of the distribution of rare species and their habitats in the Groveland/Georgetown area, and has the potential to inform future habitat protection efforts.

Please note that this determination addresses on the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project under the WPA. Please contact Jon Regosin, Ph.D. at 508-792-7270 x 316 if you have any questions regarding this review.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: Paul Richards, MA Electric Company
Timothy Sullivan, Earth Tech, Inc.
Bryan Windmiller & Dan Wells, Hyla Ecological Services
DEP Northeast Regional Office, Wetlands Section
file